

BILL NO. R-76-01-01

RESOLUTION *R-01-76.*

WHEREAS, Special Ordinance No. S/ 275-75 adopted, ratifies and confirms and approves certain contracts between the City of Fort Wayne and or City Utilities and the labor organizations named in said ordinance; and

WHEREAS, such contracts contain procedures for discipline and discharge of employees covered thereby and prescribe stated grounds for discipline and discharge; and

WHEREAS, numerous employees covered by the contracts enumerated in Special Ordinance No. S 275-75, are threatened with discharge, contrary to the provisions of the respective contracts, contrary to the provisions of State Law governing municipal employees; and

WHEREAS, the City of Fort Wayne will incur substantial financial liability if the discipline and discharges threatened in fact occur;

THEREFORE BE IT RESOLVED:

1. That the Common Council of the City of Fort Wayne requests from the Mayor the names of each person whose employment by the City of Fort Wayne he proposes to terminate on or after January 1, 1976 and the names of each person whose employment the department head appointed by him proposes to terminate on or after January 1, 1976 along with a detailed statement of reasons for the proposed action.
2. That the Common Council will investigate and review each such proposed termination to determine whether it conforms to law.
3. That the Common Council, in the best interests of the financial welfare of the City of Fort Wayne, requests the City Controller and the payroll department to maintain all such persons on the City payroll until such time that the investigation by the Common Council is completed.

*Samuel J. Talarico*  
Councilman

APPROVED AS TO FORM

AND LEGALITY *John H. Logan*

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted. read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: \_\_\_\_\_ CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HUNTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 1-1-76

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. 3-01-76 on the 1st day of January, 1976.

ATTEST:

(SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of January, 1976, at the hour of 10:07 o'clock A M., E.S.T.

CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

MAYOR

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted; read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: \_\_\_\_\_ CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Hinga, and duly adopted, placed on its passage.  
Passed (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
<u>2/3</u> TOTAL VOTES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>BURNS</u>	—	X	—	—	—
<u>HINGA</u>	X	—	—	—	—
<u>HUNTER</u>	—	X	—	—	—
<u>MOSES</u>	X	—	—	—	—
<u>NUCKOLS</u>	X	—	—	—	—
<u>SCHMIDT, D.</u>	—	X	—	—	—
<u>SCHMIDT, V.</u>	X	—	—	—	—
<u>STIER</u>	X	—	—	—	—
<u>TALARICO</u>	X	—	—	—	—

DATE: 1-13-76 \_\_\_\_\_ CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. R-01-76 on the 13th day of January, 1976.

ATTEST: (SEAL) \_\_\_\_\_  
\_\_\_\_\_  
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.  
\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

Pursuant to law I, Charles W. Westerman, Clerk of the City of Fort Wayne and Clerk of the Common Council had on this date January 13, 1976, presented to the members of the Common Council R-0]-76 Vetoeed by Robert E. Armstrong, Mayor of the City of Fort Wayne, for deliberation and action pursuant to the law by this legislative body.

Charles W. Westerman  
Clerk of the City of Fort Wayne



FORT WAYNE, INDIANA 46802

office of the mayor

### VETO MESSAGE

I, Robert E. Armstrong, Mayor of the City of Fort Wayne, hereby veto Resolution R-01-76 for the following reasons:

The Resolution asserts that the City Administration will conduct itself contrary to State law, and is, therefore, incorrect.

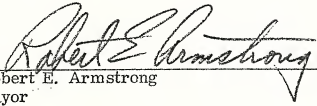
The proposed Resolution was distributed to some members of the City Council at the inauguration ceremony January 1, 1976 - prior in time to any official act by the new Administration. Indeed, at a specially-called meeting that night, January 1, 1976, the Resolution was passed. This I believe to be an act of bad faith toward an administration that had not taken a single official act other than being sworn into office.

The Resolution calls for sending names of those persons from the prior Administration not being retained by the new Administration. As you know by now, once the official termination took place, the communication of such action from me to the Council was submitted. I note with interest that my City Attorney had advised me that such a communication was required by State law and, in fact, the letter had been prepared to the Common Council and was merely awaiting the official transaction. Since obviously I could not replace the old Administration prior to my becoming Mayor, I could not officially communicate any such actions with the Common Council. Apparently, some previous Mayors had not followed the procedure of notifying the Common Council of the replacement, although at all times it has been my intention to do so, and I have in fact done so.



Your request that the City Comptroller and the Payroll Department maintain all former Administration officials on the city payroll is denied. The idea of keeping people on the city payroll from a former Administration for services that will not be performed is an idea that is repugnant to me and I believe to the citizens of the City of Fort Wayne.

Signed this 9th day of January, 1976.

  
Robert E. Armstrong  
Mayor